

EXHIBIT “A”

EFiled: Sep 11 2007 1:33 PM
Transaction ID 16264404
Case No. 07C-09-077 PLA



IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR NEW CASTLE COUNTY

HECTOR MORGAN,

Plaintiff,

vs.

DAVID A MARSH and WAYNE
STORAGE CO , a Pennsylvania
corporation, t/a WAYNE MOVING &
STORAGE COMPANY, INC.

Defendants

*
*
* C A. No
*
* NON-ARBITRATION CASE
*
* JURY OF 12 DEMANDED
*
*
*
*

COMPLAINT

1. Plaintiff, Hector Morgan, is a resident of the State of Delaware and resides at 625 Homestead Road, Wilmington, Delaware 19805.

2. Defendant, David A. Marsh, upon information and belief, is a resident of the State of Pennsylvania and resides at 28 Route 41, Gap, Pennsylvania 17527. Pursuant to 10 Del. C. §3112, he is deemed to have appointed the Secretary of State of Delaware as his agent for acceptance of process in this matter

3. Defendant, Wayne Storage Co. t/a Wayne Moving & Storage Company, Inc., upon information and belief, is a Pennsylvania corporation with offices at 100 Lawrence Drive, West Chester, Pennsylvania 19380. Pursuant to 10 Del. C. §3112, it is deemed to have appointed the Secretary of State of Delaware as its agent for acceptance of process in this matter.

4. On or about September 13, 2005 at approximately 7:43 P M., Plaintiff, Hector Morgan, was operating a motor vehicle traveling north in the left lane on West 2nd Street near the intersection of North Washington Street.

5. At said time and place, Defendant, David A. Marsh, was operating a Wayne Moving & Storage Company truck in the middle lane on West 2nd Street.

6. At said time and place, Defendant, David A. Marsh, suddenly and without warning, turned left in front of Plaintiff's vehicle striking it on the left right passenger side

7. The aforementioned collision was proximately caused by the negligence of Defendant, David A. Marsh, in that he:

a. Moved his vehicle from one lane to another when it was unsafe to do so in violation of 21 Del. C. §4122(1);

b. Operated his vehicle carelessly or in an imprudent manner without due regard to the road, weather and traffic conditions then existing in violation of 21 Del. C. §4176(a);

c. Operated his vehicle in an inattentive manner or failed to maintain a proper lookout in violation of 21 Del. C. §4176(b);

d. Operated his vehicle at a speed greater than was reasonable and prudent under the circumstances and without having regard to the actual and potential hazards then existing in violation of 21 Del. C. §4168;

e. Failed to maintain his common law duty of lookout, and;

f. Failed to exercise and maintain proper control of his vehicle.

8. The aforementioned collision was proximately caused by the reckless or wanton conduct of Defendant, David A. Marsh, in that he:

a. Drove his vehicle in wanton disregard for the safety of persons or property in violation of 21 Del. C. §4175;

b. Drove his vehicle in an aggressive manner in violation of 21 Del. C. §4175; and

c. Exhibited a conscious disregard of, or conscious indifference to the rights and

safety of other motorists, including Plaintiff, Hector Morgan, under circumstances where the foreseeability of harm to such motorist was or should have been reasonably apparent to the Defendant.

9 Upon information and belief the afore mentioned collision was proximately caused by the negligence of Defendant, Wayne Storage Co. t/a Wayne Moving & Storage Company, Inc., in that it negligently or recklessly employed or retained Defendant, David A. Marsh, as an employee or agent and negligently or recklessly entrusted its truck to Defendant, David A. Marsh, when it knew or should have known that he was incompetent to drive the vehicle safely and that he posed a danger to others traveling on the roadway. As such, Defendant Wayne Storage Co. t/a Wayne Moving & Storage Company, Inc., is liable for the acts of its employees under the Doctrine of Respondeat Superior

10. As a direct and proximate result of the negligence of Defendants, David A. Marsh and Wayne Storage Co. t/a Wayne Moving & Storage Company, Inc., Plaintiff, Hector Morgan, sustained permanent, serious personal injuries, including pain and suffering as well as mental and emotional injuries

11. As a further proximate result of the negligence of Defendants, David A. Marsh, and Wayne Storage Co. t/a Wayne Moving & Storage Company, Inc., Plaintiff, Hector Morgan, has incurred medical expenses in the past which will continue in the future.

12 As a further proximate result of the negligence of Defendants, David A. Marsh and Wayne Storage Co. t/a Wayne Moving & Storage Company, Inc., Plaintiff, Hector Morgan, has sustained a loss of earnings and a loss of earning capacity.

WHEREFORE, Plaintiff, Hector Morgan, prays and demands judgment against the defendants, jointly and severally, for his compensatory damages, plus an award of punitive damages,

together with interest and the costs of this action.

GANGI & PRITZKUR, P A.

BY: /SS/ John F. Gangi

JOHN F. GANGI, ESQUIRE (ID No 1034)

712 West Street

Wilmington, Delaware 19801

(302) 656-4090

Attorney for Plaintiff

DATED: September 11, 2007